

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 40-51 and 68-79 are presently active in this case. Claims 1-39 and 52-67 were previously cancelled. The present Amendment amends Claims 40, 42, 68, 70 and 73 without introducing any new matter or raising new issues.

In the outstanding Office Action, Claims 40-51 and 68-79 were rejected under 35 U.S.C. §102(b) as being anticipated by Maruyama et al. (Japanese Patent Application No. 09-354401, herein "Maruyama").

Claim 40 is amended to recite "the encrypted keys of the EKB including keys corresponding to one or more necessary nodes or leafs of a simplified tree structure, the simplified tree structure being constructed from the hierarchical tree structure by selecting one or more paths between a top node and an end point node or a leaf of the hierarchical tree structure and removing one or more unnecessary nodes being in the selected one or more paths." This feature finds non-limiting support in Applicants' specification in paragraphs [0200]-[0233] and in corresponding Figures 26-27. A somewhat similar feature was previously introduced into dependent Claim 42, and the feature was already considered by the outstanding Office Action.<sup>1</sup> Accordingly, it is believed that the amendments to Claim 40 do not raise any question of new matter and also do not raise any new issues. In accordance with the changes to independent Claim 40, dependent Claim 42 is amended to delete a minor feature for consistency with independent Claim 40. Independent Claims 68

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<sup>1</sup> See the outstanding Office Action, at page 3, lines 5-7.

and 73 are amended to recite a similar feature, and dependent Claim 70 is amended for consistency with independent Claim 68.

In light of the amendments to independent Claims 40, 68 and 73, Applicants respectfully request reconsideration of the rejection of Claims 40-51 and 68-79 under 35 U.S.C. § 102(b), and request reconsideration of the rejection, as next discussed.

Briefly recapitulation, Claim 40 relates to a device for use in an information processing system that distributes encrypted message data. The device includes, *inter alia*: a receiver for receiving the encrypted message data and an enabling key block (EKB), the EKB including encrypted keys and a tag, the encrypted keys including at least one renewed key and the tag including position discrimination data that associates each of the encrypted keys with nodes and leaves of a hierarchical tree structure; the encrypted keys of the EKB including keys corresponding to one or more necessary nodes or leafs of **a simplified tree structure**, the simplified tree structure being constructed from the hierarchical tree structure by selecting one or more paths between a top node and an end point node or a leaf of the hierarchical tree structure and **removing one or more unnecessary nodes being in the selected one or more paths**.

Turning now to the applied references, the reference Maruyama is concerned with a method and system for minimizing procedures required for updating a cryptographic key to access contents, by structuring the cryptographic key into a tree structure.<sup>2</sup> Maruyama explains that if certain users share a common feature for accessing contents, such as similar address, occupation, subscription expiry date, etc., they could be arranged in the same branch of the tree structure.<sup>3</sup> In

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<sup>2</sup> See Maruyama in the Abstract.

<sup>3</sup> See Maruyama in paragraph [0021], lines 4-6.

Maruyama's system it is thereby possible to very efficiently distribute updated or new keys.<sup>4</sup> Maruyama's Figure 5 shows the recurrence line of redistributing keys to the users K7 (Alice) and K10 (Carol).<sup>5</sup>

However, Maruyama fails to teach all the features of amended, independent Claim 40. In particular, Maruyama does not teach anything related to a simplified tree structure, wherein the simplified tree structure is constructed from the hierarchical tree structure by selecting one or more paths between a top node and an end point node or a leaf of the hierarchical tree structure and **removing one or more unnecessary nodes**, as recited in Claim 40. The mere feature of efficiently distributing keys in a branch of the tree, as described by Maruyama, is not a simplified tree structure constructed from the hierarchical tree structure by selecting one or more paths between a top node and an end point node or a leaf of the hierarchical tree structure and **removing one or more nodes**. As a fact, Maruyama is entirely silent on a feature of removing one or more nodes of the hierarchical tree.

The present amendment is submitted in accordance with the provisions of 37 C.F.R. §1.116, which after Final Rejection permits entry of amendments placing the claims in better form for consideration on appeal. As the present amendment is believed to overcome outstanding rejections under 35 U.S.C. §102(b), the present amendment places the application in better form for consideration on appeal. In addition, the present amendment is not believed to raise new issues because the changes to independent Claims 40, 68 and 73 merely recite features that are somewhat similar to features of dependent Claims 42 and 70, and the changes to dependent Claims 42 and 70

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<sup>4</sup> See Maruyama in paragraph [0021], lines 9-11.

<sup>5</sup> See Maruyama in paragraph [0017], and in corresponding Figure 5.

are made for consistency with the respective independent claims. It is therefore respectfully requested that 37 C.F.R. §1.116 be liberally construed, and that the present amendment be entered.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 40-51 and 68-79 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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